

UNITED STATES DISTRICT COURT

for the

Southern District of New York

MARTIN ABRAHAM, on behalf of himself and the  
class

*Plaintiff*

v.

CAPITAL ONE BANK (USA), N.A. and PRESSLER &  
PRESSLER, L.L.P.

*Defendant*

Civil Action No.

11 CV 1368

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Capital One Bank (USA), N.A.  
4851 Cox Road  
Glen Allen, Virginia 23060

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: The Law Offices of Shimshon Wexler, PC  
2710 Broadway, 2FL  
New York, New York 10025

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

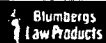
CLERK OF COURT

RUBY J. KRAJICK

*Jessica Boss*  
Signature of Clerk or Deputy Clerk

FEB 28 2011

Date: \_\_\_\_\_



B 151- Affidavit of Service of Summons or Subpoena: Personal or Alternative  
Methods: Corp. or Ind.; Military Service; 10 pt. type, 1-95

© 1988 JULIUS BLUMBERG, INC.  
PUBLISHER, NYC 10013

COURT UNITED STATES DISTRICT COURT  
FOR THE  
COUNTY OF SOUTHERN DISTRICT OF NEW YORK  
CIVIL ACTION  
MARTIN ABRAHAM, ON BEHALF OF HIMSELF AND THE CLASS ~~XXXX~~ No. 11 CV 1368

Plaintiff(s)  
CAPITAL ONE BANK (USA), N.A. AND PRESSLER &  
PRESSLER, L.L.P.  
Defendant(s)

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**  
IN A CIVIL ACTION, CLASS  
ACTION

VIRGINIA  
STATE OF ~~NEW YORK~~, COUNTY OF CHESTERFIELD SS: The undersigned, being duly sworn, deposes and says; deponent is not a  
party herein, is over 18 years of age and resides ~~at~~ IN THE STATE OF VIRGINIA  
That on 3/3/11 at 1:30P. M., at 11 SOUTH 12TH STREET, RICHMOND, VIRGINIA  
deponent served the within summons, and complaint on CAPITAL ONE BANK (USA), N.A. defendant therein named,  
IN A CIVIL ACTION, CLASS ACTION C/O CORPORATION SERVICE COMPANY, REGISTERED AGENT

INDIVIDUAL  
1. ☐ by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as  
said defendant therein.  
CORPORATION  
2. ☒ a DOMESTIC corporation, by delivering thereat a true copy of each to RENE NORDQUIST  
personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and  
knew said individual to be AUTHORIZED AGENT thereof.  
SUITABLE AGE PERSON  
3. ☐ by delivering thereat a true copy of each to a person of suitable age  
and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.  
AFFIXING TO DOOR, ETC.  
4. ☐ by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—  
usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age  
and discretion thereat, having called there

MAILING TO  
RESIDENCE  
USE WITH 3 OR 4  
5A. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to  
defendant at defendant's last known residence, at and deposited  
said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.  
MAILING TO  
BUSINESS  
USE WITH 3 OR 4  
5B. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly  
addressed to defendant at defendant's actual place of business, at  
in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore  
the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the  
communication was from an attorney or concerned an action against the defendant.  
DESCRIPTION  
USE WITH  
1, 2, OR 3  
☒ Male ☒ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.  
☒ Female ☐ Black Skin ☐ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.  
☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☒ 36-50 Yrs. ☒ 5'4"-5'8" ☐ 131-160 Lbs.  
☐ Brown Skin ☐ Gray Hair ☐ Beard ☐ 51-65 Yrs. ☐ 5'9"-6'0" ☒ 161-200 Lbs.  
☐ Red Skin ☐ Red Hair ☐ Glasses ☐ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs.

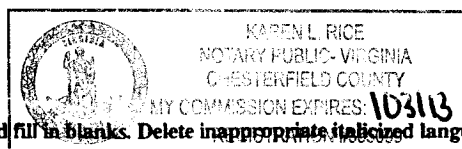
Other identifying features:

USE IN  
NYC CIVIL CT.  
☐ The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional  
legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY  
SERVICE  
☐ I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any  
capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of  
my information and the grounds of my belief are the conversations and observations above narrated. Upon information and  
belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either  
the State or in the Federal statutes.

Sworn to before me on  
MARCH 4, 2011

Karen L. Rice  
Karen L. Rice



PRINT NAME BENEATH SIGNATURE  
KEN CONDREY

License No. ....

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.